

CJ03-036



**STATEMENT OF HARDSHIP**

**Chapter 3307 of the Columbus Zoning Code  
Section 3307.10 Variances by City Council**

- A. Permit a variance in the yard, height, or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B. Permit a use of the property not permitted by the Zoning District established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the Comprehensive Plan.

Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

In granting a variance pursuant to this section, Council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as Council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

**I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners and will comply with the variance requested as detailed below:**

SEE ATTACHED

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Signature of Applicant *[Signature]* Date 9/29/03

**Statement Of Hardship  
242 Buttles Avenue**

**A. The subject site is located on Buttles Avenue and Highland Street in Victorian Village. The site is triangular in shape with its smallest side (only 40.94') fronting on Buttles, and its west side fronting on Highland Street (142.8'). However, because Highland Street is not considered a "street" under the Columbus Zoning Regulations (Highland Street is only 25' wide, and therefore, considered an "alley" since Section 3303.03 defines a street as being no less than 30' wide), it cannot be considered the "front" of the lot. Therefore, because the side yards must be calculated using Buttles as the front of the property, the narrow width of its frontage on Buttles causes the need for side yard variances.**

**Because the subject site is in an historical district, the buildings surrounding the site are products of an historical era when buildings were placed at the front of a lot at the walkway where entrances to the buildings lined the edge of the street. This style is not reflected in the existing zoning code where buildings are required to be at least 10' back from the front property line. Sliding a building on this site back and away from the existing buildings that border the site would not be in form with the character of the area. To continue the character established in this area, the site requires a variance for a front setback from 10' to 4".**

**Finally, as the buildings flanking the subject site create a continuous street scape of buildings, so the applicant requests to develop the subject site covering the lot with a building in the same fashion. Therefore, the applicant requests a variance permitting more than the maximum permitted coverage (50%) by a building to be 59.8%.**

**B. The subject site is zoned R-4 which, under the existing regulations, does not permit a 7 unit building. As discussed above, the site is located in an historical area where many buildings contain more than seven (7) units. Permitting the requested seven (7) units on this site will not adversely affect the area or adjoining property, but will alleviate the hardship created by zoning regulations that were not the source or guide for the existing buildings and uses in the area of the subject site. Therefore, the granting of this use variance will serve to alleviate the hardship created by applying the existing zoning regulations to this historical area.**

**The variances requested are as follows:**

- 1. 3332.039(12): Use; number of units permitted in an R-4 district to be seven (7) units;**
- 2. 3332.18(D): 50% coverage; to permit lot coverage of 59.8%;**
- 3. 3332.26(C)(2): Minimum Side Yard; to permit less than the required side yard of 5' to 4";**
- 4. 3332.25: Maximum Side Yard; to permit less than the required side yard of 8.2' to 6';**
- 5. 3332.21(F); Minimum Set Back; to permit less than the required 10' minimum set back to 4";**
- 6. 3309.141: Height; to permit more than the required height of 35' to 40'.**